

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kathleen M. Miller et al. Art Unit: 3774
Serial No.: 10/789,398 Examiner: Thomas Sweet
Filed: February 27, 2004 Confirmation No.: 4925
Title: IMPLANTABLE OR INSERTABLE MEDICAL DEVICE RESISTANT TO
MICROBIAL GROWTH AND BIOFILM FORMATION

VIA EFS-WEB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<p>Certificate of Electronic Transmission <u>Under 37 C.F.R. §1.8</u></p> <p>I hereby certify that this correspondence and any document referenced herein are being electronically filed with the USPTO via EFS-W/eb on August 21, 2009.</p> <p><u>Nancy Joyce Simmons</u> (Printed Name of Person Sending Correspondence)</p> <p><u>/nancy joyce simmons/</u> (Signature)</p>
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NOTICE OF APPEAL AND PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicant hereby respectfully appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated May 26, 2009, finally rejecting the pending claims in this application.

Authorization is hereby provided to charge Deposit Account No. 50-1047 the Appeal Fee under 37 CFR 41.20(b)(1) (\$540). It is further requested that the Commissioner charge any additional fees that may be required, or credit any overpayments, to Deposit Account 50-1047.

A Pre-Appeal Brief Request For Review is filed herewith.

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Date: August 21, 2009